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09/534,757	03/24/2000	Mark Edward Sweat	30566.79USUI	2752

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EXAMINER
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JOHNSON, MARLON B

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/12/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/534,757

Applicant(s)

SWEAT ET AL.

Examiner

Marlon Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## Detailed Action

### *Claim Rejections – 35 U.S.C. 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 2, 3, 5, 6, 7, 14, 16, 17, 19, 20, 21, 28, 29, 31, 32, 34, 35, 36, 43, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Burrows et al. (6,397,117).

In considering claims 2, 16, and 31,

Burrows et al. discloses a computer-implemented apparatus, a method, and an article of manufacture, each comprising:

accessing architectural project information using an interactive web site hosted on a server wherein one or more areas of the interactive web site provide for:

modification and organization of:

a display of the interactive web site (see Fig.2, Display 42; col. 4, lines 14-26);

site members of the interactive web site (see Fig. 3, Users 26);

one or more projects including storing, organizing, and displaying drawings and text files in project folders and standard folders (see Fig. 2, Design Tool Executables – programs - 37; col. 4, lines 5-15 and lines 33-40) [note: the programs must stored in some type of program on the server computer 30 in order to be utilized by the user]; and

project members of the one or more projects including defining access permissions for project members to access the project folders, the standard folders, the drawings, and the text files (see Fig. 4, Steps C1 and C2; col. 5, lines 16-20 and lines 58-69).

In considering claims 3, 17, and 32,

Burrows et al. discloses an apparatus, a method, and an article of manufacture wherein access permissions can be defined for site members of the interactive web site (via passwords) (see Fig. 4, Steps C1 and C2; col. 5, lines 16-20 and lines 58-69).

In considering claims 5, 19, and 34,

Burrows et al. discloses an apparatus, a method, and an article of manufacture wherein the interactive web site is further configured to allow a user to markup a drawing (see Fig. 4, Step C2; col. 4, lines 13-20).

In considering claims 6, 20, and 35,

Burrows et al. discloses an apparatus, a method, and an article of manufacture wherein aspects of the interactive web site are installed and executed on a local computer (see Fig. 2, Computers 26; col. 4, lines 19-26, lines 33-49).

In considering claims 7, 21, and 36,

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Burrows et al. discloses an apparatus, a method, and an article of manufacture further comprising updating project information stored on the server by transferring information from a local computer to the server (see col. 14, lines 41-49).

In considering claims 14, 28, 29, 43, and 44,

Burrows et al. discloses an apparatus, a method, and an article of manufacture wherein the interactive website further comprises the ability to import and export information (see col. 14, lines 41-49 and lines 50-65).

***Claim Rejections – 35 U.S.C. 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 9, 15, 18, 23, 30, 33, 38, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows et al. as applied to claims 2, 16, and 31 above, and further in view of Wishnie et al. (6,148,311).

In considering claims 4, 18, and 33,

Although Burrows et al. shows substantial features of the claimed invention, he fails to disclose an apparatus, a method, and an article of manufacture wherein a tree hierarchical view of the interactive web site displays a listing of the drawings and text files and the project folders and standard folders. However, Wishnie et al., whose invention is method and apparatus for inferring navigational hierarchy for a web site from an existing file hierarchy, discloses such an

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apparatus, a method, and an article of manufacture wherein a tree hierarchical view of the interactive web site displays a listing of the drawings and text files and the project folders and standard folders (see Fig. 4a, hierarchical display space 402; col. 4, lines 23-38). Therefore, given the teachings of Wishnie et al., it would have been obvious for a person having ordinary skills in the art to modify Burrows et al. by providing a tree hierarchical view of the interactive web site displays a listing of the drawings and text files and the project folders and standard folders in order to visual ordering for quick and easy access.

In considering claims 9, 23, and 38,

Wishnie et al. discloses an apparatus, a method, and an article of manufacture wherein the area for modification and organization of the display of the interactive web site comprises an area to specify the location of information to be displayed on the interactive web site (see Fig. 4, textual display space 404; col. 4, lines 39-49).

In considering claims 15, 30, and 45,

Wishnie et al. discloses an apparatus, a method, and an article of manufacture wherein the interactive web site is created by a user without action or interaction with a site administrator (see col. 3, lines 57-67 and col. 4, lines 1-9).

5. Claims 10, 11, 24, 25, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows et al. as applied to claims 2, 16, and 31 above, and further in view of Lowell (6,381,632).

In considering claims 10, 24 and 39,

Although Burrows et al. shows substantial features of the claimed invention, he fails to disclose an apparatus, a method, and an article of manufacture wherein the interactive web site further comprises an activity log that captures activities of site members on the interactive web site. However, Lowell, whose invention is a method of recording an occurrence of a data transmission between a node and a network, discloses such an apparatus, a method, and an article of manufacture wherein the interactive web site further comprises an activity log that captures activities of viewers on the interactive web site (see col. 7, lines 55-67 and col. 8, lines 1-8). Therefore, given the teachings of Lowell, it would have been obvious for a person having ordinary skills in the art to modify Burrows et al. by providing an activity log that captures activities of viewers on the interactive web site in order to monitor the user for correct usage of website resources.

In considering claims 11, 25, and 40,

Lowell discloses an apparatus, a method, and an article of manufacture wherein information in the activity log can be filtered based on one or more specified properties (add all mode) (see col. 7, lines 55-67 and col. 8, lines 1-8).

6. Claims 8, 22, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows et al. as applied to claims 2, 16, and 31 above, and further in view of Robertson (6,269,396).

In considering claims 8, 22, and 39,

Although Burrows et al. shows substantial features of the claimed invention, he fails to disclose an apparatus, a method, and an article of manufacture wherein a feature of the interactive web site provides for emailing a site member upon a change in access permissions of

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the site member. However, Robertson, whose invention is a network computer based contact manager system wherein users of networked clients maintain and update a set of user information which is stored in a relational database on a networked server, discloses such an apparatus, a method, and an article of manufacture wherein a feature of the interactive web site provides for emailing a site member upon a change in access permissions of the site member (see col. 5, lines 5-32). Therefore, given the teachings of Lowell, it would have been obvious for a person having ordinary skills in the art to modify Burrows et al. by providing for emailing a site member upon a change in access permissions of the site member in order to keep the site member constantly updated.

7. Claims 12, 26, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows et al. as applied to claims 2, 16, and 31 above, and further in view of Yasue (6,289,345).

In considering claims 12, 26, and 41,

Although Burrows et al. shows substantial features of the claimed invention, he fails to disclose an apparatus, a method, and an article of manufacture wherein the site members of the interactive web site may be organized in a group and wherein the interactive web site provides the ability to define access permissions for the group. However, Yasue, whose invention is a data information system for 2D/3D model data that manages design information, discloses such an apparatus, a method, and an article of manufacture wherein the site members of the interactive web site may be organized in a group and wherein the interactive web site provides the ability to define access permissions for the group (see Fig. 12B, User Authority Master Table 14).

Therefore, given the teachings of Yasue, it would have been obvious for a person having



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ordinary skills in the art to modify Burrows et al. by organizing the site members into groups and providing the ability to define access permissions for the group in order to affiliate site members with common projects/files/goals with one another.

8. Claims 13, 27, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows et al. as applied to claims 2, 16, and 31 above, and further in view of Burrige (6,430,567).

In considering claims 13, 27, and 42,

Although Burrows et al. shows substantial features of the claimed invention, he fails to disclose an apparatus, a method, and an article of manufacture wherein the interactive web site further comprises an area for discussing aspects of a project. However, Burrige, whose invention is a web browser that allows a user to initiate a collaboration operation with other users on the same page, discloses such an apparatus, a method, and an article of manufacture wherein the interactive web site further comprises an area for discussing aspects of a project (see Fig. 3, GUI 308; col. 7, lines 5-26). Therefore, given the teachings of Burrige, it would have been obvious for a person having ordinary skills in the art to modify Burrows et al. by providing an area for discussing aspects of a project in order to allow members to discuss any important project aspects online.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows et al., and further in view of Wishnie et al. (6,148,311).

In considering claim 1,

Burrows et al. discloses an Internet web site, comprising:

an online service, implemented on a computer, for building, design, and construction

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personnel, wherein the files comprise drawings, documents, communications, and tasks related to the architectural projects (see Fig. 2, Design Tool Executables 37; col. 4, lines 5-15 and lines 33-40).

Additionally,

Wishnie et al. discloses an Internet web site comprising:

an online service that provides an integrated project workspace for organizing folders therein as containers for storing, managing, and sharing files for one or more projects, and the integrated project workspace provides relevant content, services, and tools to help the personnel manage the files related to the projects (see Fig. 4a, hierarchial display space 402; col. 4, lines 23-38; Fig. 4, textual display space 404; col. 4, lines 39-49).

### ***Response to Arguments***

10. In response to applicant's arguments against the references individually, on page 13, lines 24-25; and page 14, lines 2-3, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

11. Applicant(s) argue on page 14, lines 9-10 and 15-16, that Wishnie et al. is totally unrelated to a distributed CAD system, and that since the folders in Wishnie et al. are utilized for HTML files as opposed to projects, it does not read on the claimed invention. The applicant(s) arguments are not persuasive. Although Wishnie et al. is not a CAD system, it is related in the fact that is the hierarchical organization of files for a website. Thus, it is *not* wholly unrelated to

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the present application. Furthermore, only the concept of utilizing folder for storing files was taken from the Wishnie et al. reference in the 103 combination, and not the storage of HTML files *only*.

Applicant(s) argue on page 14, lines 4-10, that the term “architectural is an integral part of the independent claims, and that Burrows et al. cannot anticipate that. The applicant(s) arguments are not persuasive. The term architectural has been given the broadest reasonable interpretation. By it’s nature, CAD design drawings are inherently related to some type of architectural structure, whether it is be for mechanical objects, electrical objects, buildings, etc. Thus, the term architectural, when used in the context of CAD systems, does not further limit CAD-based files.

Applicant(s) argue on page 16, lines 9-11 and 16-18, that Burrows et al. fails to reference any site members of a web site, and that since the word “project” does not appear anywhere in Burrows et al., it does not read on the claimed invention. The applicant(s) arguments are not persuasive. The users of the files, 57, in Fig. 3 of Burrows et al. clearly show three different site members who have their own respective access to the CAD server, even they have not been named “site members” within the reference. Additionally, the CAD tasks of each user have been interpreted as projects, even though the word “project” isn’t being specifically mentioned.

Applicant(s) argue on page 17, lines 10-14, that Burrows et al. fails to describe a separate site members area and a project area, thus it does not read on the claimed invention. The applicant(s) arguments are not persuasive. In the claimed language, there has been no distinction made between site members and project members, as the site members have not been described in the independent claims. In fact, project members are only mentioned in the

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independent claims, leading one to believe that site member can be, and are, project members, since the dependent claims refer to defining access permissions and such for the site members *only*.

Applicant(s) argue on page 16, lines 28-29, and page 17, lines 19-23, that Burrows et al. fails to describe any area of a web site that provides the ability to organize and modify project members of one or more projects. The examiner has expanded upon the previous rejection to more clearly point out the inherent use of folders for storing, organizing, and displaying CAD programs (drawings and text files), as claims 2, 16, and 31.

### ***Conclusion***

12. This action is made final. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon Johnson whose telephone number is (703) 305-4642.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess, can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3230.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Marlon B. Johnson



KRISHNA LIM  
PRIMARY EXAMINER